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Message Text

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43
ACTION IO-13

INFO OCT-01 ISO-00 IOE-00 ACDA-07 CIAE-00 INR-07 L-03

NSAE-00 NSC-05 EB-07 NRC-05 OES-06 FEAE-00 DODE-00

PM-04 /058 W
---------- 030854
P 271141Z JUL 76
FM USMISSION IAEA VIENNA
TO SECSTATE WASHDC PRIORITY 7870
INFO USERDA HQ WASHDC PRIORITY
USERDA HQ GERMANTOWN PRIORITY

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DEPT PASS IO/SCT AND NRC

E.O. 11652: N/A
TAGS: PARM, TECH, IAEA, US
SUBJ: U.S. OFFER SAFEGUARDS AGREEMENT

REF: IAEA VIENNA 5505

SUMMARY: TEXT OF IAEA DIRECTOR GENERAL'S COVER MEMO, TRANSMITTING TEXTS OF SUBJECT AGREEMENT AND PROTOCOL TO BOARD GOVERNORS HAS BEEN PROPOSED BY SECRETARIAT. IF AGREEMENT IS TO BE CONSIDERED BY BOARD AT NEXT MEETING, SEPT 17, CONCURRENCE OR PROPOSED CHANGES IN TEXTS OF COVER MEMO, AGREEMENT AND PROTOCOL SHOULD BE GIVEN TO SECRETARIAT NLT AUG 5. ACTION REQUESTED: ADVICE TO MISSION RE USG INTENTIONS RE SEPT 17 BOARD CONSIDERATION OF AGREEMENT AND, IF POSITIVE, CONCURRENCE ON PROPOSED CHANGES TO COVER MEMO, AGREEMENT OR PROTOCOL NLT COB AUG 4. END SUMMARY.

1. ON CONTINGENT BASIS THAT USG MAY WISH SUBJECT AGREEMENT TO BE CONSIDERED AT NEXT BOARD GOVERNORS MEETING, SEPT 17 (IN RIO), AGENCY SECRETARIAT HAS DISCUSSED WITH MISSION DRAFT COVER MEMO FROM DIRECTOR GENERAL UNDER WHICH PROPOSED TEXT
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WOULD BE CIRCULATED TO BOARD AND TO OTHER MEMBER STATES.

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2. DIRECTOR GENERAL'S COVER MEMO WOULD BE HEADED QUOTE
AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE
INTERNATIONAL ATOMIC ENERGY AGENCY FOR THE APPLICATION OF
SAFEGUARDS IN THE UNITED STATES OF AMERICA UNQUOTE.

3. TEXT OF MEMO, WOULD BE AS FOLLOWS:
QUOTE IT WILL BE RECALLED THAT IN DECEMBER 1967 THE PRESIDENT
OF THE UNITED STATES OF AMERICA STATED THAT WHEN SAFEGUARDS
UNDER THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS
ARE APPLIED, THE UNITED STATES WOULD PERMIT THE AGENCY TO
APPLY ITS SAFEGUARDS TO ALL NUCLEAR ACTIVITIES IN THE
UNITED STATES, EXCLUDING ONLY THOSE WITH DIRECT NATIONAL
SECURITY SIGNIFICANCE. (FOOTNOTE REF TO GOV/1383 ANNEX.)
QUOTE THE SECRETARIAT HAS RECENTLY COMPLETED NEGOTIATIONS
WITH THE AUTHORITIES OF THE UNITED STATES WITH A VIEW TO
CONCLUDING AN AGREEMENT WHICH WOULD ENABLE EFFECT TO BE GIVEN
TO THE OFFER OF THE UNITED STATES. THE RESULTING DRAFT
AGREEMENT AND OF A PROTOCOL THERETO ARE SET FORTH IN THE ANNEX
TO THIS MEMORANDUM. QUOTE THE DRAFT AGREEMENT FOLLOWS, TO A
CONSIDERABLE EXTENT, THE STRUCTURE AND CONTENT OF AGREEMENTS
CONCLUDED BETWEEN THE AGENCY AND NON-NUCLEAR-WEAPON STATES
PRESCRIBED IN DOCUMENT INFCIRC/153, BUT INCORPORATES
MODIFICATIONS NECESSARY TO TAKE ACCOUNT OF THE PURPOSE OF THE
OFFER AND THE EXCLUSIONS REFERRED TO IN PARAGRAPH 1.

QUOTE IT WILL BE OBSERVED FROM ARTICLE 1(B) OF THE DRAFT
AGREEMENT THAT UPON ITS ENTRY INTO FORCE THE UNITED STATES
WILL PROVIDE THE AGENCY WITH A LIST OF FACILITIES WITHIN
THE UNITED STATES NOT ASSOCIATED WITH ACTIVITIES OF DIRECT
NATIONAL SECURITY SIGNIFICANCE TO THE UNITED STATES. THE
UNITED STATES MAY ADD FACILITIES TO OR REMOVE FACILITIES FROM
THE LIST AS IT DEEMS APPROPRIATE, BY NOTIFYING THE AGENCY.

QUOTE THE DRAFT AGREEMENT AND THE DRAFT PROTOCOL PERMIT THE
AGENCY TO MAKE TWO DIFFERENT TYPES OF IDENTIFICATION OF
FACILITIES ON THE LIST OF FACILITIES PROVIDED BY THE UNITED
STATES. IN ACCORDANCE WITH ARTICLE 2(B) OF THE DRAFT AGREEMENT,
THE AGENCY SHALL, FROM TIME TO TIME, IDENTIFY
THOSE FACILITIES IN WHICH
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ACTION IO-13

INFO OCT-01 ISO-00 IOE-00 ACDA-07 CIAE-00 INR-07 L-03

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PM-04 /058 W
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FM USMISSION IAEA VIENNA
TO SECSTATE WASHDC PRIORITY 7871
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IT IS TO APPLY SAFEGUARDS. IN ADDITION, IN ACCORDANCE
WITH ARTICLE 2 OF THE DRAFT PROTOCOL, THE AGENCY AY
IDENTIFY THOSE FACILITIES ON THE LIST WHICH HAVE NOT
BEEN SELECTED IN ACCORDANCE WITH ARTICLE 2(B) OF
THE DRAFT AGREEMENT AND FOR WHICH TRANSITIONAL
SUBSIDIARY ARRANGEMENTS, AS PROVIDED FOR IN THE PROTOCOL
SHALL BE MADE, CONTAINING DETAILED PROCEDURES FOR SUBMISSION
OF DESIGN INFORMATION, MAINTENANCE OF RECORDS AND
SUBMISSION OF REPORTS.
QUOTE THE AGENCY MAY AT ANY TIME DECIDE TO APPLY SAFE-
GUARDS TO ANY LISTED FACILITY, INCLUDING THOSE IN
RESPECT OF WHICH TRANSITIONAL SUBSIDIARY ARRANGEMENTS
HAVE BEEN MADE, IN WHICH CASE THE TRANSITIONAL
SUBSIDIARY ARRANGEMENTS SHALL, TO THE EXTENT THAT
THEY SATISFY THE REQUIREMENTS OF THE AGREEMENT,
SERVE AS THE SUBSTANTIVE SUBSIDIARY ARRANGEMENTS.
QUOTE THE PURPOSE OF THESE PROVISIONS IS TO PROVIDE
AS MUCH FLEXIBILITY AS POSSIBLE IN THE SELECTION OF
FACILITIES IN THE UNITED STATES TO WHICH SAFEGUARDS
MAY BE APPLIED BY THE AGENCY. IN DUE COURSE,
TRANSITIONAL SUBSIDIARY ARRANGEMENTS MAY BE DRAWN
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UP IN RESPECT OF ALL FACILITIES ON THE CURRENT U.S.
LIST.

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QUOTE IN IDENTIFYING FACILITIES IN ACCORDANCE WITH ARTICLE 2(B) OF THE DRAFT AGREEMENT AND ARTICLE 2 OF THE DRAFT PROTOCOL, THE AGENCY SHALL AVOID DISCRIMINATORY TREATMENT AS BETWEEN UNITED STATES COMMERCIAL FIRMS SIMILARLY SITUATED. IN IDENTIFYING FACILITIES IN ACCORDANCE WITH ARTICLE 2(B) OF THE DRAFT AGREEMENT (I.E. FOR THE APPLICATION OF SAFEGUARDS), THE AENCY SHALL ALSO OBSERVE THE CRITERIA SET FORTH IN A PAPER REFERRED TO AT A MEETING OF THE SAFEGUARDS COMMITTEE (1970) EARLY IN FEBRUARY 1971. (FOOTNOTE REF TO GOV/COM.22/OR.78, PARA 10.) THIS WOULD INVOLVE SELECTION OF FACILITIES OF ADVANCED DESIGN INCORPORATING NEW TECHNOLOGY AND THOSE WHICH ARE SENSITIVE, E.G., IN TERMS OF INTERNATIONAL COMPETITION. ONLY A LIMITED NUMBER OF FACILITIES ON THE UNITED STATES LIST CAN BE EXPECTED TO MEET THESE CONDITIONS. THE DIRECTOR GENERAL ESTIMATES, ON THE BASIS OF CERTAIN ASSUMPTIONS AS TO THE TYPE AND NUMBER OF FACILITIES THAT WILL BE SELECTED FOR THIS PURPOSE, THAT THE READILY IDENTIFIABLE ADDITIONAL EXPENDITURES THAT WILL BE INCURRED BY THE AGENCY DURING THE FIRST YEAR OF IMPLEMENTATION OF THE AGREEMENT WILL BE OF THE ORDER OF $150,000.

QUOTE RECOMMENDED ACTION THE THE BOARD
QUOTE THE BOARD IS ECOMMENDED TO AUTHORIZE THE DIRECTOR GENERAL TO CONCLUDE AND SUBSEQUENTLY TO IMPLEMENT THE AGREEMENT AND THE PROTOCOL THERETO, THE DRAFTS OF WHICH ARE SET FORTH IN THE ANNEX. UNQUOTE

4. SECRETARIAT HAS BEEN TRANSLATING, ON PROVISIONAL BASIS, TEXT OF AGREEMENT AND PROTOCOL WHICH HAVE BEEN AGREED AD REFERENDUM, IN ORDER TO BE IN POSITION TO REPRODUCE AND DISTRIBUTE AS SOON AS MISSION GIVES WORD. SIMILARLY, DIRECTOR GENERAL'S COVER MEMO WILL BE TRANSLATED AND HELD. FISCHER ADVISES THAT AUGUST 5 IS LATEST DATE BY WHICH REPRODUCTION OF BOARD DOCUMENT, COMPRISED OF DIRECTOR GENERL'S MEMO AND TEXTS OF AGREEMENT AND LIMITED OFFICIAL USE

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PROTOCOL, SHOULD BEGIN IN ORDER ASSURE DISTRIBUTION OF DOCUMENT BY AUGUST 20, FOUR WEEKS PRIOR TO BOARD MEETING.

5. ACCORDINGLY, MISSION REQUESTS ADVICE BY COB AUGUST 4 RE INTENTION TO HAVE SUBJECT AGREEMENT CONSIDERED BY BOARD OF GOVERNORS AT ITS SEPTEMBER 17 MEETING AND, IF SO, CONCURRENCE OR PROPOSED CHANGES TO TEXTS OF DIRECTOR GENERAL'S MEMO, AGREEMENT

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OR PROTOCOL.STONE

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